

STUDY GUIDE

FOR THE

BOATING LAWS AND RULES

GOVERNING

CARRYING PASSENGERS FOR

HIRE

IN

UTAH
(Updated March 2005)



Utah State Parks and Recreation
1594 West North Temple, Suite 116
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UTAH STATE PARKS AND RECREATION STUDY GUIDE FOR THE BOATING LAWS AND RULES GOVERNING CARRYING PASSENGERS FOR HIRE IN UTAH

This study guide has been organized for persons to review when preparing to take the Utah River Guide 1 or 2 Permit test or the Utah Vessel Operator Permit test. **This study guide does not contain the entire Boating Laws and Rules for Utah.** Utah State Parks and Recreation strongly recommends that each boat operator complete a basic boating safety and education course such as *Utah's Boating Course*.

For a complete copy of *Utah's Boating Laws and Rules* or for a copy of *Utah's Boating Course*, contact Utah State Parks and Recreation, 1594 West North Temple, Suite 116, P.O. Box 146001, Salt Lake City, Utah 84114-6001, 801-538-7220, or visit the web site: www.stateparks.utah.gov.

Permit Application, Testing and Issuance Locations

Location:
River Guide and Vessel Operator Permits
Utah State Parks and Recreation
Division Office
1594 West North Temple, Suite 116
Salt Lake City, Utah 84114-6001
801-538-7361 or 801-538-7220

Office Hours:
8 a.m. to 5 p.m.
Mondays through Fridays,
Closed Weekends and Holidays.

River Guide Permits Only
Utah State Parks and Recreation
Southeast Region Office
1165 South Highway 191, Suite 7
Moab, Utah 84532
435-259-3750

8 a.m. to 12 p.m.
1 p.m. to 5 p.m.
Mondays through Fridays,
Closed Weekends and Holidays.

River Guide Permits Only
Utah State Parks and Recreation
Steinaker State Park Office
4335 North Highway 91
Vernal, Utah 84078-7800
435-789-4432

Summer Hours:
10 a.m. to 6 p.m.
Winter Hours:
8 a.m. to 5 p.m.
Mondays through Fridays,
Closed Weekends and Holidays.

**ALL PROCESSING OF PERMITS AND TESTING WILL BE
CONDUCTED BY APPOINTMENT ONLY.**

**DON'T BE DISAPPOINTED,
CALL IN ADVANCE FOR AN APPOINTMENT!**

EXCERPTS FROM:
UTAH BOATING ACT
TITLE 73, CHAPTER 18, UTAH CODE ANNOTATED 1953, As Amended
AND
BOARD OF PARKS AND RECREATION BOATING RULES
RULES OF THE BOARD ARE PRECEDED BY R651.

“Italics” indicates that information has been added for clarification and ease of understanding.
“Bold” has been added for point of emphasis.
“Underline” indicates a grouping of information into specific categories.

STATEMENT OF POLICY

73-18-1 It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.

ADMINISTRATION OF STATE BOATING ACT

73-18-3 The administration and enforcement of the State Boating Act shall be under the supervision and direction of the Division.

BOATING ADVISORY COUNCIL

R651-202-1 A Boating Advisory Council, consisting of seven members, has been appointed by the Board to represent boaters and others in boating matters. There is one member from each of the following interests: United States Coast Guard Auxiliary, sailing or non-powered craft users, wildlife and outdoor recreation associations, marine dealers, personal watercraft users, river runners, and a youth member.

GENERAL DEFINITIONS

R651-201-1 **“Approved”** means approved by the commandant of the United States Coast Guard, unless the context clearly requires a different meaning. For carburetor backfire flame control devices “approved” means the device is marked with one of the following: a United States Coast Guard approval number; complies with Underwriters Laboratory test UL 1111; or complies with the Society of Automotive Engineers test SAE J-1928.

73-18-2(1) **“Board”** means the Board of Parks and Recreation.

73-18-2(2) **“Boat livery”** means an entity which holds any vessel for renting, leasing, or chartering.

73-18-2(3) **“Carrying passengers for hire”** means to transport persons on vessels or to lead persons on vessels for consideration.

- 73-18-2(4) **“Consideration”** means something of value given or done in exchange for something given or done by another.
- 73-18-2(6) **“Division”** means the Utah Division of State Parks and Recreation.
- 73-18-2(7) **“Motorboat”** means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.
- 73-18-2(8) **“Operate”** means to navigate, control, or otherwise use a vessel.
- 73-18-2(9) **“Operator”** means the person who is in control of a vessel while it is in use.
- 73-18-2(11) **“Owner”** means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation. The term does not include a lessee under a lease not intended as security.
- 73-18-2(12) **“Personal Watercraft”** means a motorboat that is:
(a) less than 16 feet in length;
(b) propelled by a water jet pump; and
(c) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.
- R651-215-1(1) **“PFD”** means Personal Flotation Device *(more commonly known as a life jacket) which is approved for the type of use by the commandant of the U.S. Coast Guard.*
- R651-201-2 **“Sailboard”** means a wind-propelled vessel with a mast and sail that are held up by the operator who stands while operating the vessel.
- 73-18-2(13) **“Sailboat”** means any vessel having one or more sails and propelled by wind.
- 73-18-2(14) **“Vessel”** means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- R651-215-1(2) **“Vessel length”** is the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.
- 73-18-2(15) **“Wakeless speed”** means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.
- 73-18-2(16) **“Waters of this state”** means any waters within the territorial limits of this state.
- R651-215-1(3) **“Wear”** means to have the PFD properly worn with all fasteners connected.

CARRYING PASSENGERS FOR HIRE REQUIREMENTS

River Guide Definitions:

- R651-206-2(1) **“Guide Permit”** means a valid Guide 1, 2, 3, or 4 permit issued by the Division for carrying passengers for hire. The Guide Permit must be accompanied by a current and appropriate level first aid card or certificate and a current CPR card or certificate.

A photocopy of both sides of the first aid and CPR cards or certificates is allowed for river guides when boating on rivers.

- 73-18-2(10) **“Outfitting company”** means any person who, for consideration:
(a) provides equipment to transport persons on rivers; and
(b) supervises guides who operate vessels to transport passengers or to lead persons on vessels.
- R651-206-2(1)(a) **“Agent”** means a person(s) designated by an outfitting company to act in behalf of that company in certifying a river guide's experience.
- R651-206-2(1)(b) **“Certifying experience”** means river running experience obtained within ten years of the date of application for the guide permit.
- R651-206-2(1)(c) **“Guide 1”** means a nonrestrictive river guide permit.
- R651-206-2(1)(d) **“Guide 2”** means a restricted river guide permit, which is valid only on “other rivers”.
- R651-206-2(1)(e) **“Guide 3”** means an apprentice river guide permit, which is valid only when the holder is accompanied on the “whitewater river” by a qualified Guide 1 permit holder. A Guide 3 permit is also valid on “other rivers” but must be accompanied by either a Guide 1 or 2 permit holder.
- R651-206-2(1)(f) **“Guide 4”** means a restricted apprentice river guide permit, which is valid only on “other rivers” when the holder is accompanied on the trip by a qualified Guide 1 or 2 permit holder.
- R651-206-2(1)(h) **“Low capacity vessel”** means a vessel with a carrying capacity of three or fewer occupants (e.g., canoe, kayak, inflatable kayak or similar vessel).
- R651-206-2(1)(i) **“Other rivers”** means all rivers, river sections, or both in Utah not defined in R651-206-2(1) as a “whitewater river”.
- R651-215-1(4) **“Whitewater canoe”** means a one or two person capacity hard hulled canoe designed for whitewater activities and is equipped with: floatation (e.g., factory end chambers or float bags) and thigh straps or retention devices to hold the operator(s) in the vessel if it rolls.
- R651-206-2(1)(j) **“Whitewater river”** means the following river sections: the Green and Yampa rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other Division recognized “whitewater rivers” in other states. *A “whitewater river” is a river or river section with Class III or above rapids when using the International Scale of River Difficulty. See the Appendix for information regarding the river classification system.*

River Guide Permits:

- R651-206-2(2) **Possession of a valid permit.** No person shall operate a vessel engaged in carrying passengers for hire on any river of this state unless that person has in his possession the appropriate valid river guide permit.
- R651-206-2(7) **Guide Permit application requirements.** Any person applying for a duplicate, renewal, or a new guide permit shall be employed by or be a prospective employee

of an outfitting company currently registered with the Division. The applicant shall be sponsored by the outfitting company, or be currently employed and sponsored by a federal, state or county agency. Permit applications must have original signatures and be accompanied by original documentation of required first aid and CPR certification.

- R651-206-2(3) **Guide 1 Permit.** To qualify for a Guide 1 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a \$30 fee and have operated a vessel on at least nine “whitewater river” sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.
- R651-206-2(4) **Guide 2 Permit.** To qualify for a Guide 2 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, successfully complete a written examination, pay a \$30 fee and have operated a vessel on at least six river sections. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.
- R651-206-2(5) **Guide 3 Permit.** To qualify for a Guide 3 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three “whitewater” river sections.
- R651-206-2(6) **Guide 4 Permit.** To qualify for a Guide 4 permit, the applicant must be at least 18 years of age, complete the prescribed form, be current in the required first aid and CPR certification, pay a \$20 fee and have operated a vessel on at least three river sections.
- R651-206-2(1)(g) **First Aid and CPR Course Requirements for Guide Permits:**
- (i) For Guide 1 and 2 Permits, the first aid card or certificate must be issued for an American Red Cross “Emergency Response” course or an equivalent course from a reputable provider whose curriculum is in accordance with the USDOT First Responder Guidelines or the Wilderness Medical Society Guidelines for Wilderness First Responder.
 - (ii) For Guide 3 or 4 Permits, the first aid card or certificate must be issued for an American Red Cross “Standard” or “Basic” first aid course, or an equivalent course from a reputable provider.
 - (iii) The CPR card or certificate must be issued for an American Red Cross, American Heart Association, American Safety & Health Institute, National Safety Council CPR” course, or an equivalent course from a reputable provider whose curriculum is in accordance with the Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care.
 - (iv) First aid and CPR cards or certificates must include the following information: name or title of the course; course provider and contact information; name and signature of person certified; and signature of the course instructor.
- R651-206-2(13) **River familiarity restriction.** A guide permit holder shall not carry passengers for hire on his first trip on an unfamiliar river unless there is a qualified Guide 1 or 2 permit holder aboard who has operated a similar vessel on that river segment.
- R651-206-2(2) **Guide to “low capacity vessel” ratio.** For “low capacity vessels” not operated by, but led by a guide permit holder, there shall be at least one qualified guide permit holder for every four low capacity vessels being led in the group.

- R651-206-2(8) **Expiration dates of Guide Permits.** Guide 3 and 4 permits shall expire annually on December 31. Guide 1 and 2 permits shall expire three years from date of issuance.
- R651-206-2(9) **Renewal of Guide Permits.** Guide 1 or 2 permits may be renewed up to six months prior to expiration upon completion of the prescribed form, presentation of current guide permit, required first aid and CPR certification, and payment of a \$30 fee. The renewed permit shall have the same month and day expiration date as the original permit. Any Guide 1 or 2 permit holder whose permit has expired shall be required to obtain a new Guide 1 or 2 permit as outlined above.
- R651-206-2(10) **Replacement of Guide Permits.** In the event a guide permit is lost or stolen a duplicate guide permit may be issued with the same expiration date as the original permit upon completion of the prescribed form, furnishing the required information as described in R651-206-2(7) and payment of the required fee. The fee shall be \$15 for a guide 1 or 2 permit and \$15 for a guide 3 or 4 permit.
- R651-206-2(12) **Change of address.** Current guide permit holders shall notify the Division, within 30 days, of any change of address.
- R651-206-2(14) **Suspension or revocation of a Guide Permit.** A guide permit may be suspended or revoked for a length of time determined by the Division Director, or individual designated by the Division Director, if one of the following occurs:
- (a) the guide permit holder is convicted of boating/driving under the influence of alcohol or any drug, or refuses to submit to any chemical test which determines blood or breath alcohol content;
 - (b) the guide permit holder's negligence causes personal injury or death as determined by due process of the law;
 - (c) the guide permit holder is convicted of three violations of Title 73, Chapter 18 or rules promulgated thereunder during a three-year period;
 - (d) the Division determines that the guide permit holder intentionally provided false or fictitious statements or qualifications to obtain the guide permit; or
 - (e) a guide permit holder has utilized a private river trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation.

Outfitting Company Responsibilities:

- R651-206-2(15) **Outfitting company registration.** Every outfitting company carrying passengers for hire on any river of this state shall register with the Division annually prior to commencement of operation. The registration requires the completion of the prescribed form and providing the following: evidence of registration with the Department of Commerce, evidence of river trip authorization from the appropriate controlling state or federal agency, and payment of a \$200 fee.
- R651-206-2(16) **Role of certifying agent.** The agent shall certify and guarantee that each river guide sponsored by the outfitting company that he represents has obtained the necessary experience, as required above, depending on the type of guide permit applied for.
- R651-206-2(17) **Suspension or revocation of an outfitting company registration.** An outfitting company's Division registration may be suspended or revoked for a length of time determined by the Division Director, or individual designated by the Division Director, if one of the following occurs:

- (a) the outfitting company's or agent's negligence caused personal injury or death as determined by due process of the law;
- (b) the outfitting company or agent is convicted of three violations of Title 73 Chapter 18 or rules promulgated thereunder during a calendar year period;
- (c) false or fictitious statements were certified or false qualifications were used to qualify a person to obtain a guide permit for an employee or others;
- (d) the Division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the Division;
- (e) an outfitting company has utilized a private river trip permit for carrying passengers for hire and have been prosecuted by the issuing agency and found guilty of the violation; or
- (f) the outfitting company used a guide without a valid guide permit or without the appropriate guide permit while engaging in carrying passengers for hire.

Vessel Operator Permits:

R651-206-1(1) **“Operator Permit”** means a valid Utah Vessel Operator Permit issued by the Division or a valid U.S. Coast Guard Motorboat Operator License. The operator permit must be accompanied by a current and original first aid card or certificate and a current and original CPR card or certificate.

First Aid and CPR Course Requirements for Vessel Operator Permits:

- (a) The first aid card or certificate must be issued for an American Red Cross “Standard” or “Basic” first aid course or an equivalent course from a reputable provider.
- (b) The CPR card or certificate must be issued for an American Red Cross, American Heart Association, American Safety & Health Institute, National Safety Council CPR” course, or an equivalent course from a reputable provider whose curriculum is in accordance with the Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care.
- (c) First aid and CPR cards or certificates must include the following information: name or title of the course; course provider and contact information; name and signature of person certified; and signature of the course instructor.

R651-206-1(2) ***Possession of a valid permit.*** No person shall operate a vessel engaged in carrying passengers for hire on any lake or reservoir of this state unless the individual has in his possession an Operator Permit or is operating under Section R651-206-2.

R651-206-1(3) ***Vessel Operator Permit application requirements.*** To obtain a Utah Vessel Operator Permit, the applicant must be at least 18 years old, complete the prescribed form, possess the required first aid and CPR certification, successfully complete a written examination, pay a \$60 fee, and have 80 hours of experience in vessel operation, 20 hours of which was obtained operating an equivalent type and size of vessel which will be used for carriage of passengers. If the applicant fails to pass the written examination, there is a 7-day waiting period and a \$15 retest fee per attempt.

R651-206-1(4) ***Expiration dates of Vessel Operator Permits.*** A Utah Vessel Operator Permit is valid for three years from date of issue, unless suspended or revoked. A Utah Vessel Operator Permit which has expired shall not be renewed but is required to obtain a new permit as outlined above.

R651-206-1(5) ***Renewal of Vessel Operator Permits.*** A Utah Vessel Operator Permit may be renewed up to six months prior to expiration, upon completion of the prescribed form,

presentation of required first aid and CPR certification, and payment of a \$45 fee. The renewed permit shall have the same month and day expiration date as the original permit.

- R651-206-1(7) **Replacement of Vessel Operator Permits.** In the event a Utah Vessel Operator Permit is lost or stolen, a duplicate permit may be issued with the same expiration date as the original permit upon completion of the prescribed form, payment of a \$25 fee. An application for a duplicate permit must have original signatures and be accompanied by original documentation of required first aid and CPR certification.
- R651-206-1(8) **Change of address.** Current Utah Vessel Operator Permit holders shall notify the Division, within 30 days, of any change of address.
- R651-206-1(9) **Suspension or revocation of a Vessel Operator Permit.** A Utah Vessel Operator Permit may be suspended or revoked for a length of time determined by the Division Director, or individual designated by the Division Director, if one of the following occurs:
- (a) the permit holder is convicted of boating/driving under the influence of alcohol or any drug, or refuses to submit to any chemical test which determines blood or breath alcohol content;
 - (b) the permit holder's negligence causes personal injury or death as determined by due process of the law;
 - (c) the permit holder is convicted of three violations of Title 73, Chapter 18 or rules promulgated thereunder during a three-year period; or
 - (d) the Division determines that the permit holder intentionally provided false or fictitious statements or qualifications to obtain the permit.
- R651-206-1(10) **Experience restrictions.** A person shall not operate an unfamiliar vessel carrying passengers for hire or operate on unfamiliar water unless there is an operator permit holder aboard who is familiar with the vessel and the water area.
- R651-206-1(11) **Carrying passengers for hire on interstate waters.** A valid U.S. Coast Guard Motorboat Operator License must be possessed if engaging in carrying passengers for hire on Bear Lake, Flaming Gorge, or Lake Powell, or a Vessel Operator Permit if leading persons for hire.

PERSONAL FLOTATION DEVICE REQUIREMENTS

- R651-215-4 **Types of personal flotation devices.**
- Type I PFD - Off Shore Life Jacket.** Provides the most buoyancy of any type of PFD. Designed to turn most unconscious wearers to a face-up position in the water. Effective for all waters, especially open, rough or remote waters where rescue may be delayed. Acceptable for use on all vessels.
- Type II PFD - Near Shore Buoyancy Vest.** Designed to turn some unconscious wearers to a face-up position in the water. Intended for calm, inland waters or where there is a good chance of quick rescue.
- Type III PFD - Floatation Aid.** Good for conscious users in calm, inland waters where there is a good chance of quick rescue. Designed so conscious wearers can place themselves in a face-up position in the water. The wearer may have to tilt their head back to avoid turning face-down in the water.
- Type IV PFD - Throwable Device.** Designed to be thrown to a person in the water and grasped and held by the user until rescued. Not designed to be worn.
- Type V PFD - Special Use Device.** Intended for specific activities and may be

carried instead of another PFD if used according to the approval conditions on its label.

- 73-18-8(1)(a) **One PFD per person on board.** Except as provided in 73-18-8(1)(c), each vessel shall have, for each person on board, one Personal Flotation Device (*PFD*) which is approved for the type of use by the commandant of the United States Coast Guard.
- 73-18-8(1)(b) **PFD in good and serviceable condition.** Each Personal Flotation Device (*PFD*) shall be (*see Appendix for additional information*):
- (i) in serviceable condition;
 - (ii) legally marked with the United States Coast Guard approval number; and
 - (iii) of an appropriate size for the person for whom it is intended.
- R651-215-13 **Approved uses of PFDs.** All personal Flotation Devices (PFDs) must be used according to the conditions or restrictions listed on the U.S. Coast Guard Approval Label.
- R651-215-10 **Carrying passengers for hire PFD requirements on lakes and reservoirs.**
- (1) When carrying passengers for hire, Type I PFDs are required. Type I PFDs or Type V PFDs, used in lieu of the Type I PFD, must be listed for commercial use on the label.
 - (2) The required Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.
 - (3) For hard-hulled kayak or sea-kayak operators, a Type III PFD may be carried or worn in lieu of the required Type I PFD.
- 73-18-8(1)(d) **The Board may require by rule for personal flotation devices to be worn:**
- (i) while a person is on board a certain type of vessel;
 - (ii) by a person under a certain age; or
 - (iii) on certain waters of this state.
- R651-215-2. **PFD requirements for vessels less than 16 feet in length.** No person shall operate or give permission for the operation of a vessel less than 16 feet in length unless there is at least one Type I, II, or III PFD for each person on board.
- R651-215-3. **PFD requirements for vessels 16 feet or more in length.** No person shall operate or give permission for the operation of a vessel 16 feet or more in length unless there is at least one type I, II, or III PFD for each person on board. In addition to the total number of PFDs, there shall also be one Type IV PFD on board.
- R651-215-11 **Required wearing of PFDs.**
- (1) An inflatable PFD may not be used to meet the requirements of R651-215-11.
 - (2) All persons on board a personal watercraft (PWC) shall wear a PFD.
 - (3) The operator of a vessel under 19 feet in length shall require each passenger 12 years of age or younger to wear a PFD. This rule is also applicable to vessels 19 feet or more in length, except when the child is inside the cabin area.
 - (4) On rivers, every person on board a vessel shall wear a PFD, except PFDs may be loosened or removed by persons 13 years of age or older on designated “river flat water” areas as listed in R651-215-12. When carrying passengers for hire, the river guide is responsible for the passengers on his vessel to be in compliance with this subsection.
- R651-215-12 **“River flat water” areas.**
- (1) On the Green River:

- (a) from Red Creek Camp below Red Creek Rapids to the Indian Crossing Boat Ramp;
 - (b) from 100 yards below Taylor Flats Bridge to the Utah/Colorado state line in Browns Park;
 - (c) within Dinosaur National Monument, from the mouth of Whirlpool Canyon to the head of Split Mountain Gorge;
 - (d) from the mouth of Split Mountain to Jack Creek in Desolation Canyon; and
 - (e) from the Green River Diversion Dam below Gray Canyon to the confluence with the Colorado River.
- (2) On the Colorado River:
- (a) from the Colorado/Utah state line to the Westwater Ranger Station;
 - (b) from Big Hole Canyon in Westwater Canyon to Onion Creek;
 - (c) from Drinks Canyon, mile 70, to the confluence with the Green River; and
 - (d) after the last active rapid in Cataract Canyon.
- (3) On the San Juan River, after the last active rapid prior to Lake Powell.

R651-215-8

Carrying passengers for hire PFD requirements on rivers.

- (1) On rivers, if carrying passengers for hire, Type I PFDs are required. Type I PFDs or Type V PFDs, used in lieu of the Type I PFD, must be listed for commercial use on the label.
- (2) The required Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.
- (3) Hard-hulled kayak or whitewater canoe operators or a working river guide may wear a Type III PFD in lieu of the Type I PFD.

R651-215-7

Whitewater river PFD requirements. On whitewater rivers, as defined in R651-206-2(1)(j), Type I or Type III PFDs are required and shall be used according to the approval conditions on their labels.

R651-215-6

Type V PFD carried in lieu. A Type V PFD may be carried or worn in lieu of another required PFD, but only if it used according to the approval conditions on its label.

Type V PFDs are the most common type of PFD used when carrying passengers for hire on rivers. They are more comfortable, adjustable and employ a fastening system different than Type I PFDs. These PFDs have straps around the body with buckles, a floatation collar behind the head, and ample size adjustment to fit a wide range of wearers. The information listed on the United States Coast Guard approval label of a Type V PFD - Commercial White Water Vest may read as follows:

COMMERCIAL WHITE WATER VEST. Approved only for use by persons engaged in commercial white water service within the USA. This is a Type V PFD because it has restricted U.S. Coast Guard approval allowing it to be used in place of a Type I PFD in commercial whitewater activities only. When worn it offers special protection to those participating in the activities and therefore, must be worn at all times in order to be accepted for meeting the U.S. Coast Guard regulations requiring PFDs to be carried.

R651-215-5

Immediately available and readily accessible. Type IV PFDs shall be immediately available; all other types of PFDs shall be readily accessible, unless wearing is required.

R651-215-9

River throw bag in lieu of type IV PFD. On rivers, in lieu of the Type IV PFD requirement, a throw bag with a minimum of 40 feet of line may be carried.

SAFETY EQUIPMENT REQUIRED TO BE ON BOARD

- 73-18-8(7) **Responsibility for safety equipment.** A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or rules promulgated under this section.
- R651-219-1 **Sound producing device.** Vessels 16 feet to less than 40 feet in length shall have on board a means of making an efficient sound, horn or whistle, capable of a four-to-six-second blast.
- R651-219-2 **Bailing device.** All vessels, not of self-bailing design, shall have on board an adequate bail bucket or be equipped with a mechanical means for pumping the bilge.
- R651-219-3 **Spare propulsion.** Vessels less than 21 feet in length shall have on board at least one spare motor, paddle, or oar capable of maneuvering the vessel when necessary.
- Spare paddle requirement for "low capacity vessels".** On rivers when one-or-two-man capacity vessels less than 16 feet in length are traveling in a group, the above requirement may be met by carrying one spare oar or paddle for every three vessels in the group. On hard hulled white water kayaks, paddles designed to be strapped to or worn on the hand meet this requirement.
- R651-219-5 **Equipment good and serviceable.** All required safety equipment shall be in good and serviceable condition.
- R651-217-1 **Fire extinguisher requirements.** All motorboats, unless exempt, must have on board the approved type of fire extinguisher as specified in R651-217-2.
- R651-217-2 **Fire extinguishers required.**
- | <u>Length of Motorboat</u> | <u>Number/Size</u> |
|--|-------------------------|
| Less than 26 feet in length * | 1/B-I |
| 26 feet to less than 40 feet in length | 2/B-I or 1/B-II |
| 40 feet to 65 feet in length | 3/B-I or 1/B-I & 1/B-II |
- * If an outboard motorboat is of open construction and not carrying passengers for hire, a fire extinguisher is not required (see R651-217-5).
- R651-217-3 **Fire extinguisher types.**
- | <u>Type:</u> | <u>Foam</u> | <u>Carbon Dioxide</u> | <u>Dry Chemical</u> | <u>Halon</u> |
|--------------|-------------|-----------------------|---------------------|--------------|
| B-I | 1.25 gal | 4 lbs | 2 lbs | 2.5 lbs |
| B-II | 2.5 gal | 15 lbs | 10 lbs | 10 lbs |
- R651-217-4 **Fixed extinguishing system.** When the engine compartment is equipped with a fixed extinguishing system, one less B-I extinguisher is required.
- R651-217-5 **Open construction.** An outboard motorboat is not considered "of open construction" if any one of the following conditions exist: closed compartment under thwarts (motor well) and seats where portable fuel tanks may be stored; double bottoms not sealed to the hull or which are not completely filled with flotation material; closed living spaces; closed stowage compartments in which combustible or flammable materials are stored; or permanently installed fuel tanks.
- 73-18-8(3) **Ventilation requirement.** If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel must be equipped with an efficient natural or mechanical ventilation system which is capable

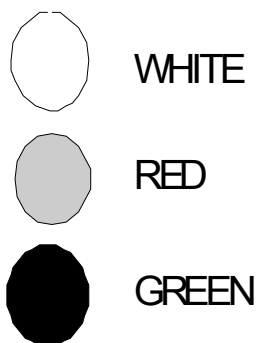
of removing resulting gases prior to and during the time the vessel is occupied by any person. *Utah and Federal vessel ventilation requirements are established for the safety of people onboard motorboats.*

73-18-8(2)

Navigation lights. Each vessel shall display navigation lights when the vessel is on the waters of this state between sunset and sunrise.

R651-216-7

Visible Range.



Location of Lights on Vessel	Visible Range		Height of Arc Lights
	Less than 12 m.	12m. but less than 20m.	
	in miles		
Masthead	2	3	225'
All-round	2	2	360°
Side lights	1	2	112.5' each color
Stear light	2	2	135°

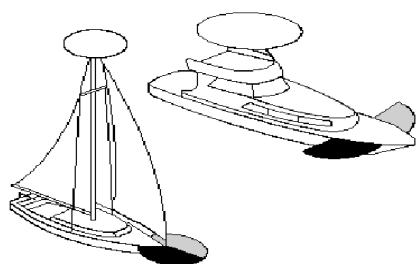


Figure 1

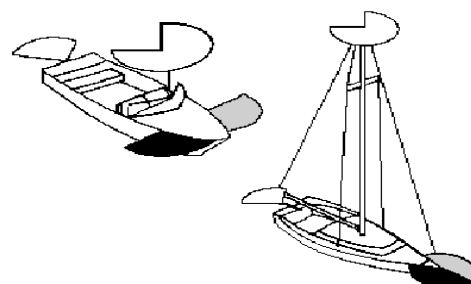


Figure 2

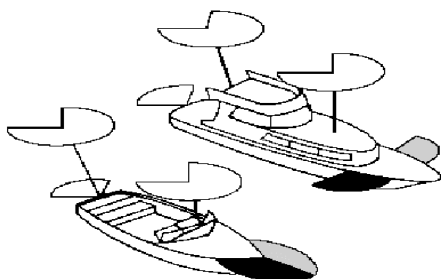


Figure 3



Figure 4

R651-216-1

Motorboats less than 40 feet in length shall exhibit the navigation lights shown in either figures 1, 2, or 3.

R651-216-5

Manually Propelled Vessels. A vessel manually propelled may exhibit the navigation lights required for sailboats or have ready at hand a flashlight or lighted lantern showing a white light which shall be displayed in sufficient time to prevent collision (figure 4).

- R651-216-6 **Vessels at anchor** shall display an all-around white anchor light unless anchored in a designated mooring area.
- 73-18-8.1(2) **Capacity and certification label.** No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

VESSEL REGISTRATION AND NUMBERING REQUIREMENTS

- 73-18-7(1) ***Vessels required to be registered.***
(a) Each motorboat and sailboat on the waters of this state shall be registered.
(b) A person may not place, or give permission for the placement of, a motorboat or sailboat on any waters of this state or operate or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered in accordance with this chapter.
- R651-212-1 ***Display of registration decals.*** A yearly registration decal shall be displayed three inches aft of the assigned (*bow*) number on each side of the vessel. On documented vessels, a yearly registration decal shall be displayed on each side of the forward half of the vessel. Only current year registration decals may be displayed.
- R651-212-2 ***Display of month of expiration decals.*** A month of expiration decal, issued by the Division of Motor Vehicles, shall be displayed immediately aft of the yearly registration decal.
- 73-18-7(11) ***Registration expiration.***
(a) Each registration, registration card, and registration decal issued under this chapter shall continue in effect for a period of 12 months beginning with the first day of the calendar month of registration.
(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of expiration.
- 73-18-7(3)(b) ***Registration card.*** The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.
- 73-18-9(1) ***Nonresident exemption from registration.*** A motorboat or sailboat already covered by a valid registration issued by its nonresident owner's resident state and it has not been within this state in excess of 14 days for the calendar year.
- 73-18-6(1) ***Vessels required to be numbered.*** Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:
(a) this chapter;
(b) applicable federal law; or
(c) a federally approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.
- 73-18-7(4) ***Placement, size, color and style of bow numbers.*** The assigned (*bow*) number shall:

- (a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;
- (b) consist of plain vertical block characters of not less than three inches in height;
- (c) contrast with the color of the background and be distinctly visible and legible;
- (d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and
- (e) read from left to right.

R651-208-1 ***Bow numbers displayed on backing plates.*** On vessels where an assigned (bow) number on the hull or superstructure would not be visible or where the type of hull material used would make it impractical to attach an assigned (bow) number, the assigned (bow) number and registration decals may be mounted on a backing plate and displayed as required in 73-18-7(4).

73-18-7(16) ***Display of bow number only.*** No number other than the (bow) number assigned to a motorboat or sailboat or a (bow) number for a motorboat or sailboat granted reciprocity under this chapter may be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

BOAT LIVERY (RENTAL COMPANY) DUTIES AND REQUIREMENTS

73-18-10(1) ***Record keeping.*** The owner of a boat livery shall keep a record of the following: the name and address of the person hiring any vessel; the identification number of the vessel; the vessel's departure date and time; and the vessel's expected time of return. The record shall be preserved for at least one year.

73-18-10(2) ***Safety equipment and explanation of laws and rules to be provided.*** Neither the owner of a boat livery, nor his agent or employee may permit any vessel to depart from the premises of the boat livery unless the owner has equipped it as required under this chapter and unless he has advised the lessee or renter of the vessel of all rules promulgated under this chapter which the lessee or renter must obey.

R651-221-1 ***Rental agreement required to be on board.*** The owner of a boat livery or his representative shall provide a copy of the lease or rental agreement to an authorized agent of the Division, signed by the owner or his representative and by the person leasing or renting the vessel. The lease or rental agreement shall contain the following information and be carried on board the vessel: the vessel's assigned number; the period of time for which the vessel is leased or rented; and a check-off list of the required safety equipment. The registration card may be retained on shore by the boat livery.

ZONED WATERS

73-18-4(1)(c) ***Zoning waters.*** Zoning waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only.

R651-205-1 ***Obeying zoned waters.*** The operator of a vessel shall obey zoned water requirements or restrictions.

R651-205-3 ***Green River.*** The use of motors is prohibited between the Flaming Gorge Dam and the confluence with Red Creek.

- R651-205-5 **Lower Provo River.** The section from where it enters into Utah Lake upstream to the gas pipeline is designated as a wakeless speed area, and the use of motors is prohibited upstream from this point.
- R651-205-9 **Jordan River.** The use of motors is prohibited.

NAVIGATION AND STEERING RULES - “RULES OF THE ROAD”

- 73-18-15.1(1) ***Proper lookout.*** The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.
- 73-18-15.1(2) ***Meeting head on - passing bow to bow.*** When the operators of two motorboats approach each other where there is risk of a collision, each operator shall alter course to the right (*starboard*) and pass on the left (*port*) side of the other.
- 73-18-15.1(3) ***Crossing - passing from the side.*** When the operators of two motorboats are crossing paths and are at risk of a collision, the operator of the vessel which has the other vessel on its right (*starboard*) side shall keep out of the way and yield right-of-way if necessary.
- 73-18-15.1(4) ***Overtaking - passing from the stern.*** The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.
- 73-18-15.1(5) ***Vessels not under command, with restricted maneuverability, engaged in fishing, and sailing.*** The operator of a vessel underway shall keep out of the way of a: vessel not under command; vessel restricted in its ability to maneuver; vessel engaged in fishing; and, sailing vessel.
- 73-18-15.1(6) ***Rule of responsibility and prudence.*** If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.
- 73-18-15.1(7) ***Operation in narrow channels.*** In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel. *According to the Federal Navigation Rules – Inland, if you are operating a power-driven vessel heading upstream (against the direction of the current) on a river; then all vessels coming toward you from the opposite direction have the right-of-way and you must give way.*
- 73-18-15.1(8) ***Safe operating speed and distance.*** The operator of a vessel shall proceed at a safe speed at all times so that he can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances or conditions.
- 73-18-15.1(10) ***Speed and proximity.*** The operator of any vessel may not exceed a wakeless speed in an area designated as a wakeless speed area, or when within 150 feet of: another vessel; a person in or floating on the water; a water skier being towed by another boat; a shore fisherman; a launching ramp; a dock; or a designated swimming area.
- 73-18-15.1(11) ***Responsibility for wake damage.*** The operator of a motorboat is responsible for any damage or injury caused by the wake produced by the operator's motorboat.

MINIMUM AGE OF OPERATORS

- 73-18-15.2(1)(a) **Motorboat.** A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.
- 73-18-15.2(1)(b) **Sailboat.** A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.
- 73-18-15.2(2) **Personal watercraft - 12 to 15 years of age.** A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:
(a) is under the direct supervision of a person who is at least 18 years of age;
(b) completes a boating safety course approved by the Division; and
(c) has in his possession a boating safety certificate issued by the boating safety course provider.
- 73-18-15.2(3) **Personal watercraft - 16 and 17 years of age.** A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:
(a) completes a boating safety course approved by the Division; and
(b) has in his possession a boating safety certificate issued by the boating safety course provider.
- 73-18-15.2(5) **Permission for a minor to operate.** A person may not give permission to another person to operate a vessel in violation of 73-18-15.2.
- 73-18-15.2(6) **"Direct supervision".** As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.
- 73-18-18 **Liability of owner for injury or damage occasioned by negligent operation of a vessel by a minor.** The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

ACCIDENT REPORTING REQUIREMENTS

- 73-18-13(1) **Duties of operator involved in accident.** It is the duty of the operator of a vessel involved in an accident, if he can do so without seriously endangering his own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable. The operator shall also give his name, address, and identification of his vessel in writing to any person injured or to the owner of any property damaged in the accident.
- R651-223-1 **Notification of a boating accident.** An operator shall immediately and by the quickest means of communication available notify the nearest State Park Ranger or other law enforcement officer of an accident that involves a vessel or its equipment when one of the following occurs: a person dies or disappears from a vessel under circumstances that indicate death; a person is injured and receives medical treatment beyond first aid; or property is damaged in excess of \$2000. This notification shall include:
(a) the date, time, and location of the occurrence;
(b) the name of each person who died or disappeared;

- (c) the assigned number of the vessel; and
- (d) the name and address of the owner and operator.

- R651-223-2 ***Operator unable to provide notification.*** If the operator cannot provide this notification, then another person on board shall make the notification required in R651-223-1.
- R651-223-3 ***Submitting an owner/operator accident report.*** The operator, owner, or other person on board shall submit a completed and signed Owner/Operator Boating Accident Report (PR-53A) to the Division within 10 days of the accident.
- 73-18-13(3) ***Confidentiality of accident reports.*** All accident reports shall be for the confidential use of the Division or other state agencies having use for the records for accident prevention purposes, except that the Division may disclose the identity of a person involved in an accident when the person's identity is not otherwise known or when the person denies his presence at the accident. No report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Division shall furnish upon demand of any person who has, or claims to have, made the report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Division solely to prove a compliance or a failure to comply with the requirement that a report be made to the Division. Reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of 73-18-13(4).
- 73-18-13(4) ***Providing false information in an accident report.*** Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

RECKLESS/NEGLIGENT DRIVING (BOATING)

- 41-6-45(1)(a) ***Motorboats*** (in addition, refer to 41-6-43.5). A person is guilty of reckless driving who operates a vehicle in a willful or wanton disregard for the safety of persons or property.
- 73-18-12(1) ***Nonmotorized vessels, skis, or towed devices.*** A person may not operate any nonmotorized vessel, or manipulate any water skis or any device towed by a motorboat in a willful or wanton disregard for the safety of persons or property.

ENFORCEMENT AND JURISDICTION OF UTAH'S BOATING ACT

- 73-18-20(1) ***Authority to enforce boating laws and rules.*** Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter (refer to 73-18-1 and 73-18-2(16) for purpose and jurisdiction).
- 73-18-20(2) ***Authority to stop and board a vessel.*** Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the Board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

- 73-18-20(3) **Failure to stop.** An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.
- 73-18-20.1 **Seizure of a vessel.**
- (1) A peace officer, without warrant, may seize and take possession of a vessel:
 - (a) that is placed or being operated on the waters of this state with improper registration;
 - (b) that the peace officer has reason to believe has been stolen;
 - (c) on which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;
 - (d) that has been abandoned on public land, highways, or waters of this state; or
 - (e) if the registration or title fees for the vessel or outboard motor have not been paid.
 - (2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- 73-18-20.7 **Unlawful control over vessels.**
- (1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.
 - (2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.
 - (3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owners or legal custodians consent on a previous occasion to the control of the vessel by the same or a different person.
 - (4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.
- 73-18-21 **Violations and associated punishments.** Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.
- A class A misdemeanor is punishable with a fine of \$0 to \$2,500 and/or 0 to 1 year in jail.*
- A class B misdemeanor is punishable with a fine of \$0 to \$1,000 and/or 0 to 6 months in jail.*
- A class C misdemeanor is punishable with a fine of \$0 to \$750 and/or 0 to 90 days in jail.*
-

EXCERPTS FROM:
DRIVING WHILE INTOXICATED AND RECKLESS DRIVING
TITLE 41, CHAPTER 6, UTAH CODE ANNOTATED 1953, As Amended

DRIVING (BOATING) UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

- 41-6-43.5 ***“Vehicle” definition.*** As used in this article, “vehicle” or “motor vehicle,” in addition to the definitions provided under 41-6-1, includes an off-highway vehicle as defined under 41-22-2 and a motorboat as defined in 73-18-2.
- 41-6-44(2)(a) ***Driving (Boating) under the influence (DUI).*** A person may not operate or be in physical control of a vehicle within this state if the person:
- (i) has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;
 - (ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or
 - (iii) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.
- 41-6-44(2)(b) ***Prescription medications.*** The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.
- 41-6-44 (1)(h) ***Standard of negligence.*** The standard of negligence is that of simple negligence, the failure to exercise that degree of care which an ordinarily reasonable and prudent person exercises under like or similar circumstances.
- 41-6-44(3)(a) ***Criminal punishment - misdemeanor.*** A person convicted the first or second time of a violation of 41-6-44(2) is guilty of a:
- (i) class B misdemeanor; or
 - (ii) class A misdemeanor if the person:
 - (A) has also inflicted bodily injury upon another as a proximate result of having operated the vessel in a negligent manner;
 - (B) had a passenger under 16 years of age in the vehicle at the time of the offense; or
 - (C) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.
- 41-6-44(3)(b) ***Criminal punishment – felony.*** A person convicted of a violation of 41-6-44(2) is guilty of a third degree felony if the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.
- 41-6-44(10) ***Arrest without a warrant.*** A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in his presence, and if the peace officer has probable cause to believe that the violation was committed by the person.
- 41-6-44.10(1)(a) ***Implied consent to a chemical test.*** A person operating a motor vehicle in this state is considered to have given his consent to a chemical test or tests of his breath,

blood, or urine for the purpose of determining whether he was operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under 41-6-44, 53-3-231, or 53-3-232, while under the influence of alcohol, any drug, or combination of alcohol and any drug under 41-6-44, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of 41-6-44.6, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under 41-6-44, 53-3-231, or 53-3-232, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under 41-6-44, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of 41-6-44.6.

41-6-44.10(1)(b) ***Selection of a chemical test(s) by a peace officer.***

- (i) The peace officer determines which of the test are administered and how many of them are administered.
- (ii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though he does submit to any other requested test or test, is a refusal under this section.

41-6-44.10(1)(c) ***Selection of a chemical test(s) by an arrested person.***

- (i) A person who has been requested under this section to submit to any chemical test or tests of his breath, blood, or urine, may not select the test or tests to be administered.
- (ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

41-6-44.10(2)(a) ***Refusal to submit to a chemical test(s).*** If the person has been placed under arrest, has then been requested by a peace officer to submit to any one or more of the chemical tests under 41-6-44.10(1), and refuses to submit to any chemical test requested, the person shall be warned by the peace officer requesting the test or tests that a refusal to submit to the test or tests can result in revocation of the person's license to operate a motor vehicle.

41-6-44.10(2)(b) ***Revocation of person's privilege or license to operate a motor vehicle.***

Following the warning under 41-6-44.10(2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered a peace officer shall serve on the person, on behalf of the Driver License Division, immediate notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle. When the officer serves the immediate notice on behalf of the Driver License Division, he shall:

- (i) take the Utah license certificate or permit, if any, of the operator;
- (ii) issue a temporary license effective for only 29 days; and
- (iii) supply to the operator, on a form approved by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

41-6-44.10(2)(d) ***Peace officer's report of a refusal to submit to a chemical test(s).*** As a matter of procedure, the peace officer shall submit a signed report, within ten calendar days after the date of the arrest, that he had grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under 41-6-44, 53-3-231, or 53-3-232, or while under the influence of alcohol or any drug, or combination of alcohol

and any drug under 41-6-44, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of 41-6-44.6, and that the person had refused to submit to any chemical test or tests under 41-6-44.10(1).

- 41-6-44.10(3) ***Person incapable of refusal.*** Any person who is dead, unconscious, or in any other condition rendering him incapable of refusal to submit to any chemical test or test is considered to not have withdrawn the consent provided for in 41-6-44.10(1), and the test or tests may be administered whether the person has been arrested or not.
- 41-6-44.10(4) ***Requesting results of a chemical test(s).*** Upon the request of the person who was tested, the results of the test or tests shall be made available to him.
- 41-6-44.10(5) ***Conditions for withdrawal of blood for a chemical test.***
(a) Only a physician, registered nurse, practical nurse, or person authorized under 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the alcoholic or drug content. This limitation does not apply to taking a urine or breath specimen.
(b) Any physician, registered nurse, practical nurse, or person authorized under 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.
- 41-6-44.10(6) ***Choice of additional chemical test(s).***
(a) The person to be tested may, at his own expense, have a physician of his own choosing administer a chemical test in addition to the test or tests administered at the direction of a peace officer.
(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.
(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.
- 41-6-44.10(7) ***Right to consultation for a chemical test(s) is not permitted.*** For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.
- 41-6-44.10(8) ***Refusal to submit to a chemical test may be used as evidence.*** If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any drug, combination of alcohol and any drug, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body.
- 41-6-44.20 ***Open containers and drinking of alcoholic beverages in a motor vehicle prohibited.***
(1) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway.

- (2) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
- (3) In this section:
 - (a) "Alcoholic beverage" has the meaning given in 32A-1-105.
 - (d) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers and includes areas accessible to them while traveling, such as a utility or glove compartment, but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
- (7) 41-6-44.20(1) and 41-6-44.20(2) do not apply to a passenger in a motorboat on the waters of this state as these terms are defined in 73-18-2.

41-6-44.30

Seizure and impoundment of a vehicle.

- (1) If a peace officer arrests or cites the operator of a vehicle for violating 41-6-44, 41-6-44.6, or 41-6-44.10, or a local ordinance similar to 41-6-44 which complies with 41-6-43(1), the peace officer shall seize and impound the vehicle in accordance with 41-6-102.5, except as provided under 41-6-44.30(2).
- (2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:
 - (a) the registered owner:
 - (i) requests to remove the vehicle from the scene; and
 - (ii) presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
 - (b) the registered owner identifies a driver with a valid operator's license who:
 - (i) complies with all restrictions of his operator's license; and
 - (ii) would not, in the judgment of the officer, be in violation of 41-6-44, 41-6-44.6, or 41-6-44.10, or a local ordinance similar to 41-6-44 which complies with 41-6-43(1), if permitted to operate the vehicle; and
 - (c) the vehicle itself is legally operable.
- (3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

EXCERPTS FROM:

THE UTAH LITTER LAW

TITLE 41, CHAPTER 6, UTAH CODE ANNOTATED 1953, As Amended

41-6-114(1)

Destructive or injurious materials on highways, parks, recreation areas, waterways, or other public or private lands. It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the

state whether under private, state, county, municipal, or federal ownership without the permission of the owner or person having control or custody of the land.

- 41-6-114(2) **Use of litter receptacles.** Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, upon any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:
- (a) immediately remove the material or cause it to be removed; and
 - (b) deposit the material in a receptacle designed to receive the material.
- 41-6-114.1(1) **Penalty for littering.** Any person violating any of the provisions of Section 41-6-114 is guilty of a class C misdemeanor and shall be fined not less than \$100 for each violation.
- 41-6-114.1(2) **Community service as a condition of punishment.** The sentencing judge may impose as additional penalties the requirements that the offender devote at least four hours in cleaning up:
- (a) litter caused by him; and
 - (c) existing litter from a safe area designated by the sentencing judge.

EXCERPTS FROM:

UTAH-BOATING LITTER AND POLLUTION CONTROL ACT

TITLE 73, CHAPTER 18a, UTAH CODE ANNOTATED 1953, As Amended

- 73-18a-1(3) **"Human body waste"** means excrement, feces, or other waste material discharged from the human body.
- 73-18a-1(4) **"Litter"** means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.
- 73-18a-1(10) **"Waters of this state"** means all waters within the territorial limits of this state except those used exclusively for private purposes.
- 73-18a-2(1) **Litter and pollution.** A person may not place, throw, deposit, discard, drop, or discharge and the operator of a vessel may not permit to be placed, thrown, deposited, discarded, dropped, or discharged into or upon the waters of this state, or lands adjacent to these waters, any litter, human body waste, or other liquid or solid materials which may render the water or lands unsightly, noxious, or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.
- 73-18a-3(3) **Human waste.** No container of human body waste may be placed, left, discharged or caused to be placed, left, or discharged into or upon any waters of this state or lands adjacent to these waters by any person at any time.
- 73-18a-14 **Violation and punishment.** Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

EXCERPTS FROM:
UTAH WATER SAFETY ACT
TITLE 73, CHAPTER 18b, UTAH CODE ANNOTATED 1953, As Amended
AND
BOARD OF PARKS AND RECREATION BOATING RULES
RULES OF THE BOARD ARE PRECEDED BY R651.

- R651-801-1 ***Swimming prohibited.*** No person shall engage in swimming activity in any of the following:
 (1) a designated "No Swimming" area;
 (2) a vessel launching, docking, mooring, or harbor area; or
 (3) near or in spillways or outlets.
- 73-18b-3 ***Violation and punishment.*** Any person who violates any rules made by the Board of Parks and Recreation under authority of this chapter is guilty of a class B misdemeanor.

APPENDIX

FEE SCHEDULE

Outfitting Company Registration:

Annual registration fee	\$200.00
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River Guide Permitting:

River Guide 1 and 2 permits (valid for 3 years from date of issue)	\$ 30.00 ¹
River Guide 3 and 4 permits (expire on Dec. 31 annually)	\$ 20.00
Renewal of Guide 1 and 2 permits	\$ 30.00 ²
Duplicates of Guide 1 and 2 permits	\$ 15.00 ²
Duplicates of Guide 3 and 4 permits	\$ 15.00 ²
Retesting, per attempt (7 day waiting period required between tests)	\$ 15.00

Guide 1 and 2 permits may be renewed up to six months prior to expiration.

¹ A \$10 credit may be issued to a holder of a valid Guide 3 permit if upgrading to a Guide 1 permit or the holder of a valid Guide 4 permit upgrading to a Guide 2 permit. The guide 3 or 4 permit must be surrendered at the time of application.

² Requires a new, complete application including employing agent's verification signature and originals of current First Aid and CPR certification cards. Application for a duplicate permit must be done, in person with appropriate applicant identification, at one of the permit application, testing and issuance locations.

PERSONAL FLOATATION DEVICES - "NON-SERVICEABLE" DEFINED

Personal floatation devices are non-serviceable if: missing or illegible United States Coast Guard approval numbers or related information, missing the approval label, improper size for person, improper type for activity, after-market alteration is made, rips, tears, broken buckles, or missing straps, etc. United States Coast Guard justification for deeming a PFD non-serviceable with illegible approval numbers is that a PFD with an illegible approval number is believed to have undergone sufficient compromise to render the PFD non-serviceable. PFD integrity is compromised by deterioration from ultraviolet light, body oils, and general wear and tear.

INTERNATIONAL SCALE OF RIVER DIFFICULTY

Safety Code of American Whitewater Affiliation

(from the American Whitewater Affiliation's Safety Code)

This code has been prepared using the best available information and has been reviewed by a broad cross section of whitewater experts. The code, however, is only a collection of guidelines; attempts to minimize risks, should be flexible, not constrained by a rigid set of rules. Varying conditions and group goals may combine with unpredictable circumstances to require alternate procedures. This code is not intended to serve as a standard of care for commercial outfitters or guides.

International Scale of River Difficulty

This is the American version of a rating system used to compare river difficulty throughout the world. This system is not exact; rivers do not always fit easily into one category, and regional or individual interpretations may cause misunderstandings. It is no substitute for a guidebook or accurate first-hand descriptions of a run.

Paddlers attempting difficult runs in an unfamiliar area should act cautiously until they get a feel for the way the scale is interpreted locally. River difficulty may change each year due to fluctuations in water level, downed trees, recent floods, geological disturbances, or bad weather. Stay alert for unexpected problems!

As river difficulty increases, the danger to paddlers becomes more severe. As rapids become longer and more continuous, the challenge increases. There is a difference between running an occasional Class IV rapid and dealing with an entire river of this category. Allow an extra margin of safety between skills and river ratings when the water is cold or if the river itself is remote and inaccessible.

An overall river rating should take into account many factors including the difficulty of individual rapids, remoteness, hazards, etc. Each rapid is rated at a specific range of levels. Note that under some circumstances a paddler may find that similarly rated rapids seem to differ an extraordinary amount due to unusual factors that may include boat type, weather, fatigue, and limited experience on certain types of whitewater.

The Six Difficulty Classes:

Class I: Easy. Fast moving water with riffles and small waves. Few obstructions, all obvious and easily missed with little training.

Class II: Novice. Straightforward rapids with wide, clear channels which are evident without scouting. Occasional maneuvering may be required, but rocks and medium sized waves are easily missed by trained paddlers.

Class III: Intermediate. Rapids with moderate, irregular waves which may be difficult to avoid and which can swamp an open canoe. Complex maneuvers in fast current and good boat control in tight passages or around ledges are often required; large waves or strainers may be present but are easily avoided. Strong eddies and powerful current effects can be found, particularly on large-volume rivers. Scouting is advisable for inexperienced parties.

Class IV: Advanced. Intense, powerful but predictable rapids requiring precise boat handling in turbulent water. Depending on the character of the river, it may feature large, unavoidable waves and holes or constricted passages demanding fast maneuvers under pressure. A fast, reliable eddy turn may be needed to initiate maneuvers, scout rapids, or rest. Scouting may be necessary the first time down.

Class V: Expert. Extremely long, obstructed, or very violent rapids which expose a paddler to added risk. Drops may contain large, unavoidable waves and holes or steep, congested chutes with complex, demanding routes. Rapids may continue for long distances between pools, demanding a high level of fitness. What eddies exist may be small, turbulent, or difficult to reach. Scouting is recommended but may be difficult.

Class VI: Extreme and Exploratory. These runs have almost never been attempted and often exemplify the extremes of difficulty, unpredictability and danger. The consequences of errors are very severe and rescue may be impossible. For teams of experts only, at favorable water levels, after close personal inspection and taking all precautions.

Additional whitewater safety information web sites:

American Whitewater Affiliation.....www.awa.org/

River Management Society.....www.river-management.org/